

MANDATE

SDC MA
04-11895
Judge/Keston

**United States Court of Appeals
For the First Circuit**

No. 05-2592

RICHARD J. ANDREW,
Petitioner, Appellant,
v.

KENNETH NELSON,
Respondent, Appellee.

Before

Boudin, Chief Judge,
Torruella and Howard, Circuit Judges.

JUDGMENT

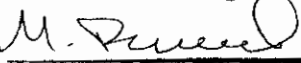
Entered: October 10, 2006

We have reviewed the record in this case, including the briefs of the parties. Essentially for the reasons given by the district court in its memorandum and order, dated September 15, 2005, we affirm the dismissal of the petition.

Affirmed.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk



Deputy Clerk

Date: 11/1/06

By the Court:

Richard Cushing Donovan, Clerk.

MARGARET CARROLL

By:

Chief Deputy Clerk.

[cc: Richard Andrew, David Mark Lieber, AAG]